United Nations A/HRC/33/49/Add.2

General Assembly

Distr.: General
13 July 2016

Original: English

Human Rights Council
Thirty-third session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on the human right to safe drinking water and sanitation on his mission to Tajikistan

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the human right to safe drinking water and sanitation, Léo Heller, on his mission to Tajikistan from 4 to 12 August 2015.

In the present report, the Special Rapporteur notes that, under the framework of the Millennium Development Goals, the country achieved a high coverage of access to improved water and sanitation. Most of the country's infrastructure is on the verge of collapse, and the level of services may not meet the new criteria under the Sustainable Development Goals unless the Government proactively intervenes and safely manages small-scale water and sanitation solutions, in particular in rural areas.

In order to seize the opportunities available in the current water sector reform process, the division of power and responsibilities among the authorities of the State needs to be urgently clarified and regulation must be made independent and separate from the provision of services. The revision of the Water Code of 2000 must place the human rights to water and sanitation at the core of the legislation. A new comprehensive tariff system is also needed and must balance affordability of water and sanitation for all with the sustainability of those services.

GE.16-12008 (E) 270716

1612008

Please recycle

Report of the Special Rapporteur on the human right to safe drinking water and sanitation on his mission to Tajikistan*

Contents

		Page
I.	Introduction	3
II.	Legal, institutional and policy frameworks	4
	A. Legal framework	4
	B. Institutional and policy frameworks	5
III.	Human rights to water and sanitation	7
	A. Access to water and sanitation	7
	B. Quality of water and sanitation services	8
	C. Balancing affordability and sustainability of water and sanitation	10
	D. Water, sanitation and hygiene in public institutions	12
IV.	Access to information, accountability and justice	13
V.	Marginalized and excluded persons	14
	A. People living in rural areas	14
	B. Resettled people	15
	C. Refugees, asylum seekers and stateless people	17
VI.	Conclusions and recommendations	17

* Circulated in the language of submission only

I. Introduction

1. The Special Rapporteur on the human right to water and sanitation, Léo Heller, undertook an official visit to Tajikistan from 4 to 12 August 2015, upon the invitation of the Government, to examine the progress made and remaining challenges in ensuring the full realization of the human rights to water and sanitation in the country. During his mission, he had the opportunity to meet with different interlocutors, including the Minister for Foreign Affairs, the Deputy Minister of Energy and Water Resources, the Deputy Minister of Finance, the Deputy Minister of Health, the Chair of the State Committee on Investments and State Property Management, the Speaker of the parliament, local authorities, the Human Rights Ombudsman, the Housing and Communal Service (*Khojagii Manizliyu Kommunali*), Dushanbe Vodokanal, civil society organizations and international donors and agencies. He visited prison YC 3/7 in Dushanbe. He also visited communities in Teppai Samarkandi and Balkhi village (Rudaki district), Lolazor village (Danghara district), Pulisangin village (Norak district) and Spitamen new settlement and Andarsoi village (Spitamen district). He talked to community leaders, human rights defenders, women, children and medical practitioners.

2. The Special Rapporteur expresses his appreciation to the Government of Tajikistan for the cooperation shown before and during the mission. He thanks the United Nations country team for the support and assistance provided. Lastly, the Special Rapporteur wishes to thank all the people who took the time to meet with him and to help him better understand the situation concerning access to water and sanitation in the country.

3. After its independence from the Union of Soviet Socialist Republics, Tajikistan experienced a long civil war, from 1992 to 1997. Its economy has been fragile, with a per capita gross domestic product (GDP) that is among the lowest of the 15 former Soviet republics. According to United Nations statistics, 80 per cent of the population lives below the poverty line. Only 7 per cent of the country's land surface is arable, yet agriculture employs 75 per cent of the labour force and contributes 23 per cent of GDP.

4. Tajikistan has rich water resources, some of the richest in the world. Nevertheless, it still relies on old infrastructure installed during the Soviet era to provide water and sanitation services to the population. As Tajikistan relies heavily on remittances from Tajik migrant workers abroad (30 per cent of GDP), income has decreased dramatically as a result of the international economic crisis. At the international level, Tajikistan is a lead country with regard to water issues and took the initiative in the declaration by the General Assembly of 2005-2015 as the International Decade for Action, "Water for Life". Tajikistan has also hosted several international forums on water.

5. Despite its political and economic situation, by the end of 2015 the country had achieved high rates of access to "improved" water sources (74 per cent) and impressive rates of access to "improved" sanitation (95 per cent), according to definitions of access under the monitoring of the Millennium Development Goals by the Joint Monitoring Programme for Water Supply and Sanitation.[1] An examination of the quality of services behind these figures, however, shows that approximately 40 per cent of the population relies on non-centralized water supply sources, which often do not meet water quality standards and provide insufficient amounts of water. Even water sources used for the centralized system, which comprises the majority of water supply systems, likely do not

[1] World Health Organization (WHO) and United Nations Children's Fund (UNICEF), *Progress on Sanitation and Drinking Water: 2015 Update and MDG Assessment* (2015). Available from www.wssinfo.org/fileadmin/user_upload/resources/JMP-Update-report-2015_English.pdf.

meet sanitary requirements. Regarding sanitation, only 15 per cent of the population enjoys access to a sewer connection. Even where sewerage is available, grey water is usually discharged in open drains. The averages mentioned above also mask persistent inequality between rural and urban areas. In the former, 31 per cent of the population has access to piped water on premises; by comparison, 83 per cent of urban dwellers do. In addition, the data do not capture marginalized groups of people such as refugees, asylum seekers and stateless people (approximately 0.2 per cent of the population).

II. Legal, institutional and policy frameworks

A. Legal framework

6. At the international level, Tajikistan has ratified relevant international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child. Therefore, it has legal obligations to take concrete and deliberate steps to ensure the progressive realization of the human rights to water and sanitation, using the maximum of its available resources. This means that every individual in the country is entitled to have the authorities take measures to ensure, as soon as possible, access to water and adequate sanitation that are accessible, available, affordable, acceptable and safe, in all spheres of life, including with the provision of dignity and privacy for sanitation. These distinct aspects of the rights were explicitly recognized by the Human Rights Council in 2013 in its resolution 24/18 and by the General Assembly in 2015 in its resolution 70/169. The realization of these rights also requires ensuring access to adequate and affordable hygiene practices, including handwashing and menstrual hygiene management. Effective measures have to be taken to ensure adequate disposal and treatment of human waste. Furthermore, the Government also has an immediate obligation to ensure access to water and sanitation facilities and service on a non-discriminatory basis, especially for disadvantaged or marginalized groups. The State has an obligation to progressively eliminate any type of inequality in access to water and sanitation.

7. At the regional level, Tajikistan has not signed the Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes, which is a pan-regional protocol. However, Tajikistan actively participates in activities related to this Protocol. For example, it voluntarily reported on the status of water and health in the country in 2013. One of the Protocol's areas of focus is equitable access to water and sanitation. The Economic Commission for Europe developed a scorecard on equitable access to water and sanitation, which integrates the human rights principle of equality and non-discrimination. In order to further strengthen its legal foundation concerning the human rights to water and sanitation, Tajikistan is encouraged to sign and ratify the Protocol.

8. The Constitution of Tajikistan, amended in 1999, protects basic human rights, including the right to life, the right to housing and the right to health care, though it does not explicitly guarantee the right to water and sanitation. The Constitution recognizes the supremacy of international law over national law, which obliges Tajikistan to make national legislation comply with international human rights obligations, including those regarding the rights to water and sanitation.

9. The human rights to water and sanitation need to be translated into laws, policies and budgets. The principal national pieces of legislation in the area of access to water and sanitation are the Tajik Water Code (2000), the Law on Drinking Water and Drinking Water Supply (2010) and the Law on State Sanitary Supervision (2003). The current Water Code does not sufficiently address the issue of access to water and sanitation for personal

and domestic use. The Law on Drinking Water and Drinking Water Supply establishes the provision of drinking water for everyone. The Law on State Sanitary Supervision provides the right of citizens to receive complete and reliable information about the state of the environment and health of people and about the quality of drinking water. It also provides that "the inhabitants of cities and other settlements shall be provided with safe drinking water in sufficient quantities for the satisfaction of physiological and economic needs of humans", and that the quality of water should "correspond to existing sanitary rules" (arts. 15 and 16). At the time of the Special Rapporteur's visit, Tajikistan was carrying out water sector reform and the Water Code of 2000 was under revision. Tajikistan has a strategic opportunity to give prominence to the human rights to water and sanitation, since clear legal and institutional structures are an important first step towards realizing these rights. The Special Rapporteur was encouraged by the openness shown by both the Government and the Parliament to take on board the need to place the human rights to water and sanitation at the centre of new policy and legislation.

B. Institutional and policy frameworks

10. The Ministry of Energy and Water Resources has the overall responsibility for guaranteeing the national drinking water supply and coordinating relevant actors in the water sector. It is also responsible for the adoption and implementation of State programmes for the development of potable water supply systems, the establishment and regulation of water tariffs and the provision of public information. The Ministry of Health has the responsibility for surveillance of the quality of drinking water according to the Sanitary Norms and Rules (2007), which is based on World Health Organization (WHO) guidelines. In each district, there are laboratories for microbiological and chemical tests. According to the Ministry of Health, there is a large project planned to improve the capacity of these laboratories. Information about the quality of water is disseminated to the population in the form of bulletins issued by the Statistics Commission at the sanitary centres.

11. Water supply and sewerage services in seven cities (Dushanbe, Khujand, Chkalovsk, Rogun, Kayrakkum, Nurek and Sarband) and two districts (Varzob and Spitamen) are provided by Vodokanal, a State unitary enterprise under the local authorities. Vodokanal operates on a self-financing basis, without any budget from the cities and the Government. The expansion of infrastructure, however, is carried out from city budgets. Vodokanal reports to municipalities or to the regional representatives of the Housing and Communal Service and submits monthly reports.

12. The Housing and Communal Service is a State unitary enterprise which regulates and operates communal services, including water supply and sanitation for other cities, towns and settlements, through its regional subsidiaries. The Service is a self-funded enterprise, relying on tariff incomes and donor funds or loans. In rural areas, the Department of Rural Water Supply (*Tojikobdehot*), which was privatized and placed under the control of the Service in 2012, is responsible for water supply and sanitation systems. It tends to focus on water for irrigation, however. The 2009-2010 reform allows local governments to own services and infrastructure and to outsource water and sanitation service provision to private companies and non-governmental institutions.

13. Tajikistan is currently reforming its water sector, aiming firstly to separate policy and regulation from operation, and secondly to carry out a transition in river basin management based on the national development strategy of 2007. The current structure of water and sanitation services is rather fragmented. The division of power and responsibilities among the Ministry of Energy and Water Resources, the Housing and Communal Service, Vodokanal and local authorities is not clear. For example, in

apartments in large cities. Vodokanal is responsible for supplying water to apartment buildings, and the Housing and Communal Service is responsible for providing cold and hot water inside the buildings. Many people, however, told the Special Rapporteur that they could not easily reach the right institution when there was a problem with water or sanitation systems. According to the information received, it has been considered whether Vodokanal should be placed under the Housing and Communal Service as part of the reform process. Secondly, under the current institutional framework, there is no adequate government structure to address access to water and sanitation in rural areas. The Government should not be absent from the management of individual or small-scale water and sanitation solutions. It is important to streamline the structure to provide more coherent services but also to clarify where responsibility lies and to strengthen accountability.

14. For water and sanitation services, the role of the regulator is an essential part of accountability mechanisms. Currently, there is no independent regulator in Tajikistan and, as far as the Special Rapporteur was informed, there is no discussion about establishing one as part of the water and sanitation sector reform. The Government makes some regulatory efforts with regard to water, including through the establishment of standards and the monitoring of water quality, but the scale of surveillance is not sufficient. The vast majority of sanitation solutions are not regulated, managed or monitored by any State body. The Special Rapporteur calls on the Government, as part of the ongoing water sector reform, to assign specific responsibilities for expanding water supply, and regulating and managing water and sanitation, not only for those who are connected to formal systems but also for those who are outside of them, in the short to medium term. Furthermore, the Government should start a discussion on the establishment of an independent regulator with competence to monitor the compliance of water and sanitation providers with the normative content of the human rights to water and sanitation. Such a regulator should also be given the mandate to encourage genuine public participation in decision-making, with proper disclosure of information, and to ensure a mandatory affordability standard in order that water and sanitation are affordable for all.

15. The Government of Tajikistan has created water users associations[2] as a separate tool for the management and operation of irrigation water. A government official explained to the Special Rapporteur that the creation of the associations was part of the effort to introduce public-private partnerships in the management of water systems, as well as in other sectors such as energy. Upon the request of the Government, the Economic Commission for Europe carried out a public-private partnership readiness assessment in 2012-2013. The study pointed out the need to make the legal framework compliant with international standards and the need for a stronger institutional framework and institutional capacity-building, among other preparations, for the implementation of public-private partnerships.[3] The assessment also recommends that the Government consider "devolving the regulatory functions to newly created independent bodies, with the line ministries keeping the responsibility for policymaking and planning in their respective sector" as one of the criteria for successful private sector participation in infrastructure projects.[4]

16. From a human rights perspective, it is important to find solutions to improve the financial situation of water and sanitation service providers in order to guarantee sustainable service provision. The human rights framework does not prescribe any particular modality of service provision. Regardless of the decision to include the

[2] Water Users Association Support Project and Integrated Water Resources Management in Ferghana Valley project, "An approach to water users associations in Tajikistan" (2009).

[3] Economic Commission for Europe (ECE), "National PPP readiness assessment report: Tajikistan" (2013), p. 29.

[4] Ibid., p. 47.

participation of non-State actors in such provision, the Government of Tajikistan should first develop a comprehensive plan, including legislation, strategy and financing, aimed at progressively realizing the human rights to water and sanitation for all without discrimination. In this framework, the Government will be able to decide on the best modality to balance both the affordability of water and sanitation services, even for the poorest and most marginalized, and the sustainability of service provision (see A/HRC/15/31). In the case of private provision, the Government should carefully assess the risks of jeopardizing the access of the poorest people, given the needs of infrastructure expansion and the lack of a regulatory tradition relating to water and sanitation. The Special Rapporteur would also like to remind the Government that, in cases in which the provision of water and sanitation services is delegated to third parties — either private or public enterprises — the Government is obligated to regulate the activities of those institutions to ensure that all aspects of human rights are guaranteed. At the same time, those institutions have human rights responsibilities, and they can and should support the State in the realization of the human rights to water and sanitation.

17. With regard to the policy framework, the national development strategy[1] is the country's principal policy document in the water and sanitation sector. The strategy notes that water supply and sanitation are essential to economic growth and the improvement of living conditions. The main priorities for the water sector in the strategy include: reforming the existing water supply and sewerage system through the improvement of sectoral policy and the creation of new ownership entities; making the sector more attractive to investors; and making effective use of the sector's existing potential. The water sector development strategy for 2007-2015[2] sets out a comprehensive strategy, including for water supply and sanitation. The strategy sets as priorities improving rural water systems and the quality of water and water treatment, rehabilitating existing water and sanitation systems and promoting a strong tariff policy, among other goals. These are welcome initiatives that should be strongly framed by the principles and contents of the human rights to safe drinking water and sanitation.

18. The Government informed the Special Rapporteur that it holds a national policy dialogue on water twice a year with civil society organizations and international communities, and that water sector reform has been discussed through that platform. It is an encouraging initiative. The Government should strengthen such efforts to provide an open space for civil society, in particular women, to meaningfully, actively and freely participate in decision-making related to the reform process in order to address people's real needs. Discussions on the participation of non-State actors in the provision of water and sanitation service should be included in the agenda for wide consultation.

III. Human rights to water and sanitation

A. Access to water and sanitation

19. Water and sanitation services must be accessible to everyone, on the premises of households, health and educational institutions, public institutions and places, and workplaces.

[1] Republic of Tajikistan, "National development strategy of the Republic of Tajikistan for the period to 2015" (2007).

[2] Ministry of Irrigation and Water Management of the Republic of Tajikistan, United Nations Development Programme (UNDP) Office in the Republic of Tajikistan and Executive Committee of the International Fund for saving the Aral Sea, "Water development strategy in Tajikistan" (2006).

20. At the end of the time frame for achieving the Millennium Development Goals in 2015, Tajikistan had achieved high rates of access to "improved" water sources (74 per cent) and "improved" sanitation (95 per cent). Tajikistan has also eradicated open defecation. When breaking down these figures by the quality of services, however, the water supply and sanitation infrastructure has deteriorated by an estimated 70 per cent according to the water sector development strategy. As of 2012, 25 per cent of the centralized systems in urban areas were not in working condition and required major repairs or replacement, while in rural areas, 44 per cent of the systems were functioning only partially, and 16 per cent were not in working order.[7] Approximately 40 per cent of the population, and nearly half of the rural population, still relies on non-centralized water supply sources such as springs, wells and water trucks, which often do not meet water quality standards and do not provide sufficient amounts of water. The majority of water sources used for the centralized system do not meet sanitary requirements either.[8] Regarding sanitation, it is estimated that more than 90 per cent of the rural population uses a pit latrine with slab. Only 15 per cent of the population enjoys access to a sewer connection (44 per cent in cities and 3 per cent or much less in villages).[9] Even where sewerage is available, grey water is usually discharged in open drains. Wastewater treatment facilities are available in cities, including an advanced one in Dushanbe. However, the rehabilitation of sewerage and treatment facilities has not been conducted over the past 20 years, and this has resulted in reduced effectiveness of wastewater treatment. In small towns and rural areas, wastewater produced by households and industries is discharged into the soil, drainage system or bodies of water without treatment.[10]

21. While people culturally keep houses and toilets very clean, good hygiene practices are not well observed. According to a rapid assessment conducted in three districts (Rasht, Isfara and Kulob) in 2014, on average only 2 per cent of the women washed their hands with soap at four critical moments (after using the toilet, before cooking, after cleaning a child and before feeding a child). Some improvement was observed under a donor project whereby mothers washing their hands at four or more critical times increased from a 3.46 per cent baseline in 2013 to 17.45 per cent in 2015 in 12 districts of Khatlon oblast.[11] Poor hygiene practices are partly due to a lack of public awareness and partly due to the unavailability of facilities and materials such as soap.

B. Quality of water and sanitation services

22. In Tajikistan, most water supply systems were constructed between 1960 and 1980, with an operational life of 30-50 years.[12] Most of them need to be rehabilitated or reconstructed, as there has been no maintenance. The old infrastructure has a negative impact on the quality of water. A high level of water leakage poses a threat of intrusion of polluted groundwater and other harmful substances. The insufficient treatment facilities are

[7] UCC and Government of Tajikistan, "Target setting in the context of the Protocol on Water and Health in the Republic of Tajikistan (summary of the main report)" (2013).

[8] Of the country's 764 water systems, 463 do not meet sanitary requirements. See *UN-Water Global Analysis and Assessment of Sanitation and Drinking Water* (2014), Tajikistan country highlight.

[9] *UN-Water Global Analysis and Assessment of Sanitation and Drinking Water* (2014), Tajikistan country highlight.

[10] UCC and Government of Tajikistan (2013).

[11] Mid-term evaluation of Mercy Corps project under Feed the Future programme of the United States Agency for International Development (USAID).

[12] UNDP, *Country Sector Assessments, UNDP GoAL WaSH Programme — Governance, Advocacy and Leadership for Water, Sanitation and Hygiene* (New York, 2010), vol. 2, chapter on Tajikistan.

not able to ensure adequate water quality for drinking. Most of the people the Special Rapporteur interviewed told him that they did not drink water without treating it, or felt that water for drinking was not safe. The Special Rapporteur himself observed cases of brown water in cities.

23. Under the Ministry of Health, sanitary epidemiological surveillance laboratories located in every district monitor the quality of drinking water, as well as the hygienic standards of water services provided by suppliers. According to the official information received, some of the samples do not meet the State water quality standard set in 2007. Monitoring of water quality, in particular of non-centralized water sources, is still very limited. (No more than 15 per cent of water from the non-centralized system is monitored.) Water suppliers also have self-monitoring mechanisms for water quality. Dushanbe Vodokanal, for instance, submits monthly, quarterly, biannual and annual reports to the city of Dushanbe. However, water suppliers are not obliged to report the results to any authorities.

24. The responsibility for sanitation, except for those who are connected to sewerage in parts of large cities, is almost entirely placed on individual households. Only about a quarter of the population in total and only 0.2 per cent of the rural population was estimated to have sustainable access to centralized waste treatment plants as of 2013.[13] The vast majority of the population constructs pit latrines and empties or replaces them without any financial or technical support from the Government. Although the prices for emptying pits have to be approved by the Anti-Monopoly Agency, and the service is provided by the Housing and Communal Service, people are expected to pay high, and sometimes unaffordable, prices for this service. The Special Rapporteur was impressed by the well-constructed and clean pit latrines in many households. Pit latrines with slabs could be an acceptable solution if they follow certain standards, including the protection of groundwater. However, there currently seems to be no adequate support from the Government to provide guidance regarding latrine construction and sludge management. The Special Rapporteur underlines that it is the Government's obligation to ensure that toilets are hygienic to use and maintain, and that waste matter is safely contained, transported, treated and disposed of or recycled, even if such services are delegated to other entities.

25. Due to these deficiencies in water, sanitation and hygiene, waterborne pathogens, such as those which cause diarrhoea and typhoid fever, are still widespread, in particular in rural areas. High rates of infant and under-5 mortality (41 per 1,000 and 48 per 1,000, respectively, in 2013)[14] and child malnutrition compared with other Central Asia countries may be partly attributable to poor water, sanitation and hygiene. To safeguard the health benefits of access to sanitation and to protect water resources, standards and targets for the full cycle of sanitation provision must be set, from the collection of waste to its transport, treatment and disposal or reuse.

26. The Law on State Sanitary Supervision provides that "[t]he inhabitants of cities and other settlements shall be provided with safe drinking water in sufficient quantities for the satisfaction of physiological and economic needs of humans".[15] However, water services are sporadic, mainly due to an unstable supply of electricity and despite the ample water resources available in the country. The irregular water supply, coupled with ageing water

[13] ECE and Government of Tajikistan (2013).

[14] UNICEF, "Levels and trends in child mortality: report 2014 — estimates developed by the UN Inter-agency Group for Child Mortality Estimation", pp. 22-23.

[15] Art. 15 (1) of Law No. 987 of 20 July 1994.

pipelines, further exacerbates the problem of water loss (50-60 per cent).[15] In 2015, the Committee on Economic, Social and Cultural Rights recommended that "the State party take all the necessary measures to improve access to safe drinking water, adequate sanitation and electricity, and to reduce the current disparities between urban and rural areas in this regard" (see E/C.12/TJK/CO/2-3, para. 28). One of the Government's priorities for development is to increase hydropower capacity, in order to provide regular electricity supply and to export energy.[16] At the time of the visit, the Government was striving to secure funding for or to start implementing hydropower projects and the construction and rehabilitation of water and sanitation infrastructure.

C. Balancing affordability and sustainability of water and sanitation

27. The human rights to water and sanitation require that the price of water and sanitation and the direct and indirect costs and charges associated with it be affordable and not compromise or threaten a person's capacity to satisfy other fundamental human rights, such as the rights to food, health, housing or education. The human rights framework does not require that Governments directly provide basic services for free. Rather, it requires States to create an enabling environment for people to fully enjoy their human rights. However, in cases in which people cannot accede to their rights for reasons beyond their control, including when they cannot afford to construct sanitation facilities, Governments have the obligation to provide sanitation services directly.

28. In Tajikistan, there is no established policy on water and sanitation tariffs. The operators set water and sanitation tariffs and submit them for approval to the Anti-Monopoly Agency. In many parts of Tajikistan, the water tariff for those connected to centralized systems, sometimes including the sanitation tariff, is a flat rate of 0.7 to 1.4 somoni (equivalent to approximately $0.10-$0.20) per person per month (up to $1 per household of five family members per month). The installation of water meters has started, but only in large cities, and the tariff is charged according to the amount of consumption (0.42 somoni per cubic metre for water and 0.53 somoni for water and sewerage by Dushanbe Vodokanal; 0.8 somoni for water by the Housing and Communal Service). The flat tariff without meters does not give users an incentive to save water, and some use drinking water for farming, irrigation or other non-domestic activities. This model also has no way of taking into account the needs of the poorest and can result in tariffs that are unaffordable to them. According to Dushanbe Vodokanal, the cost of producing 1 cubic metre of water is 0.91 somoni ($0.12). Yet, the water tariff set by the Housing and Communal Service for State-owned enterprises (1 somoni per m^3) is almost the same as the tariff for domestic users. The water tariff for private industrial use is also relatively low (2 somoni per m^3). District authorities used to provide sludge collection services for 150 somoni ($19), but according to the information received, one collection now costs as much as twice that.

29. From a human rights perspective, the low flat tariffs applied in most situations raise a couple of concerns. Firstly, they end up subsidizing people and enterprises who can afford to pay a higher tariff. This means that people who are not connected to the centralized system, who are usually worse off, not only lack necessary assistance from the Government to realize their human rights to water and sanitation but also may indirectly subsidize the rich through taxes. For example, the Special Rapporteur observed that people in rural areas pay more than double for an informal system of less reliable and less accessible water.

[15] Republic of Tajikistan, "National development strategy of the Republic of Tajikistan for the period to 2015", p. 40.

[16] Ibid.

Secondly, this situation also raises the concerns that the utilities do not collect enough revenue to invest in operation and maintenance or to extend the connection networks to those who are not served. While legislation allows the setting of a full-cost recovery tariff, the current approved tariffs are set well below that level.[17] The Special Rapporteur was informed that the Housing and Communal Services had proposed increasing the tariff by 14 per cent, but that the Anti-Monopoly Agency had rejected that proposal.

30. In addition, the low tariff collection rate, which is reported to be 60 per cent, raises concerns about the sustainability of water and sanitation services. According to a source, the head of the Housing and Communal Service expressed concern about the low tariff collection rate from enterprises, including a large aluminium company. According to the source, the collection rate from the public amounts to 98 per cent and is not the most worrisome issue;[18] the problem lies instead with enterprises that are already benefiting from a low tariff.

31. According to the Ministry of Finance, the Government allocates the State budget and the development budget for water supply and sanitation services; however, the allocated budget is very limited. Less than 0.2 per cent of the State budget of $4.1 billion goes to the Housing and Communal Services, which is responsible not only for water and sanitation services but also for regulating and operating State-owned housing, cleaning streets and performing other communal services. This budget also covers the cost of water and sanitation services that the Housing and Communal Service provides to public institutions. The Housing and Communal Service informed the Special Rapporteur that its debts were accumulating, and amounted to as much as $3 million somoni. It has no funds to invest in maintenance, repairs or system improvements. Another 4.7 per cent ($36 million) of the State budget is allocated to the local authorities, who are responsible for, among many other things, overall water supply and sanitation. While depending on budgetary allocations by local administrations, the amount of the budget allocated for water supply and sanitation is almost invisible in many districts. The national and local budgets must have specific allocations or budget lines for water, sanitation and hygiene for households and public institutions. The Government also must prioritize those who are not served or who are underserved.

32. Nevertheless, Tajikistan ranked fourteenth out of 117 countries in the 2015 Water, Sanitation and Hygiene for All Performance Index, a quantitative measure of the progressive realization of the human rights to water and sanitation.[19] This is a positive indicator that Tajikistan performs well in investing its maximum available resources to progressively realize the human rights to water and sanitation without discrimination. The Index compares the rates of change of specific countries in improving equity and access to water and sanitation to best-in-class rates of change among countries at similar levels of water and sanitation coverage to generate a benchmarked value. The benefits of investing in water and sanitation are evident in improved health and reduction of time lost from work. Such investment averts illnesses such as diarrhoea, reducing child mortality and malnutrition, and increasing productivity among adults and school attendance among children, especially girls. For each $1 invested in achieving universal access to basic sanitation at home, the estimated benefit is $3. The Government of Tajikistan is encouraged

[17] Drinking water tariff research and development of the Tajikistan water and sanitation project: mission report of international consultant Marie Kremer (Swiss Agency for Development and Cooperation, Tajikistan Water Supply and Sanitation Project and Oxfam GB in Tajikistan, 2013). Available from www.tarwss.tj/new_images/tariff_en.pdf.

[18] "Water prices to rise in Tajikistan", *Asia-Plus* (10 July 2014).

[19] Kyan Cronk and others, "The WaSH performance index report" (The Water Institute at the University of North Carolina at Chapel Hill). Available from http://bit.ly/1RhcaX.

to intensify its efforts to increase investment in this area through all potential financial sources.

33. Sustainability is a fundamental human rights principle essential for realizing the human rights to water and sanitation. Water and sanitation services must be available for present and future generations, and the provision of services today should not compromise the ability of future generations to realize those rights (see A/HRC/24/44). Once services and facilities have been put in place, positive changes must be maintained and deterioration prevented. During the mission, the Special Rapporteur observed that much of the infrastructure installed during the Soviet period had not been maintained or refurbished. According to the information he received, many people in rural areas were experiencing a deterioration of water and sanitation services due to ageing infrastructure. Considering that human rights need to be realized progressively and continuously, the deterioration of already acquired access could amount to a human rights violation.

34. At the same time, the sustainability and affordability of water and sanitation services have to be balanced. Cost recovery is an important element of a sustainable system, ensuring the coverage of operation and maintenance costs and supporting access to water and sanitation by the poor through cross-subsidies. Currently, there has been no household-level survey on the ability to pay in Tajikistan, and therefore there is no information available on how many and which households cannot afford to pay water and sanitation tariffs. The Special Rapporteur was informed that there was a general rule to provide tariff support to households with teachers, soldiers, veterans and members of other groups. There is, however, no assessment of actual vulnerability or the economic situation of households as a whole.

35. With support from international donors, the Government began a revision of the policy for water tariffs. Tariffs must be set to balance the affordability of water and sanitation for all and sustainability of the services. A new tariff system should include a way to charge better-off households and other users, enterprises in particular, higher tariffs, while poorer households should be guaranteed a lower tariff and access to subsidy mechanisms. The Special Rapporteur calls on the Government to develop and adopt a comprehensive water and sanitation tariff policy which ensures sustainability and takes into account the special needs of those who cannot afford their water bill. Similar affordability standards for sanitation must be established. In setting such standards, the Government must consider both on-site and networked sanitation, along with the full costs of sanitation, including the collection, transport and disposal or reuse of human waste.

D. Water, sanitation and hygiene in public institutions

36. According to a subnational survey carried out in 2008, the water coverage rate in health facilities was only 38 per cent, the sanitation coverage rate was 43 per cent and hygiene coverage data were not available.[9] At a primary health-care facility visited by the Special Rapporteur, there was a water tap but it was not connected to water. The WHO standards for water, sanitation and hygiene in health facilities require on-site water supplies of 5-400 litres per person per day, on-site sanitation facilities and a reliable water point with soap or alcohol-based rubs available in all relevant areas. The absence of running water and adequate sanitation facilities in the majority of the country's hospitals not only discourages the population from using health services but also presents great challenges in terms of public health, including infection prevention and control, and hygiene promotion. The

[9] WHO and UNICEF, *Water, Sanitation and Hygiene in Health Care Facilities: Status in Low- and Middle-Income Countries and Way Forward* (2015), annex C.

Ministry of Health informed the Special Rapporteur that the State budget allocated to the health sector was insufficient to ensure water, sanitation and hygiene services in all the health facilities in the country. Despite such a poor water, sanitation and hygiene situation in health facilities, the Government's plan and targets for improved services do not include drinking water or sanitation in health facilities.[36]

37. Water, sanitation and hygiene in schools also pose a great challenge. Many schools have very old water and sanitation facilities, many of which are not functioning or do not meet hygiene standards. As a result, children may need to drink water from ditches and girls may have no access to adequate sanitation and hygiene facilities, particularly during menstruation. According to a sample survey carried out in 2009, the water coverage rate in schools was about 55 per cent and the sanitation coverage rate was about 17 per cent.[37] In a school with 1,400 children in a village visited by the Special Rapporteur, there were only four toilets available for girls and four toilets available for boys. While Tajikistan has achieved a high school enrolment rate, a significant number of girls drop out in the ninth grade (24 per cent in 2009) and the dropout rate for girls in the tenth grade is 10 per cent higher than that for boys.[38] Poor sanitation facilities, including the absence of menstrual hygiene management, may be a contributing factor. Menstrual hygiene management, which ensures privacy and human dignity, is an important but often overlooked component of the human rights to water and sanitation. The Ministry of Education included the provision of drinking water and sanitation-hygiene services in schools as one of the objectives in the national strategy for education development through 2020. However, according to the information received, a sufficient budget has not been allocated to the provision, maintenance and management of water, sanitation and hygiene in schools.

IV. Access to information, accountability and justice

38. Tajikistan is a party to the International Covenant on Civil and Political Rights, which protects the right to freedom of expression. Article 30 of the Constitution guarantees freedom of speech and the right to use means of mass information. The right to information includes the right to receive information to make informed decisions regarding the human rights to water and sanitation.

39. The Special Rapporteur observed that information on water bills, as well as water quality, is not very clearly explained to the public. He received complaints about non-transparent and unreliable procedures for collecting tariffs, particularly due to the absence of water meters in most areas. Access to such information is a human right, but it would also encourage the population to contribute to the efficiency of water supply systems. There is currently no established complaint mechanism, partly because of the absence of an independent regulator and partly because of the current unclear division of responsibilities. While the service providers claim that there are complaint mechanisms through websites, e-mails, emergency telephone lines and monthly reporting to cities, the process for finding out whom to call when users have problems with water and sanitation services seems to be a complicated one. The Government should undertake additional efforts to make information related to essential services widely available and accessible, and set up clear accountability mechanisms.

[36] *UN-Water Global Analysis and Assessment of Sanitation and Drinking Water* (2014): Tajikistan country highlight.

[37] "WASH in schools country profile: Tajikistan". Available from http://washinschoolsmapping.com/wengine/wp-content/uploads/2015/10/TajikistanWinSCountryProfile.pdf.

[38] USAID: school dropout prevention pilot programme: overview of Tajikistan programme (see http://schooldropoutprevention.com/country-data-activities/tajikistan/).

40. The Anti-Monopoly Agency approves water and sanitation tariffs and the Ministry of Health plays a surveillance role with regard to water quality. However, there is no independent regulator to monitor the performance of the Housing and Communal Service, Vodokanal and local authorities in providing water and sanitation services. Establishing a mechanism whereby people can bring forth human rights concerns is crucial to hold those who are in a position of responsibility accountable for the human rights to water and sanitation. The first Human Rights Ombudsman was appointed in 2009 "with the aim of strengthening the constitutional guarantees of the State protection of the human rights and freedoms, their observance and respect" based on the Law on the Human Rights Ombudsman (2008). The Ombudsman was accredited with a "B" status by the International Coordinating Committee of National Human Rights Institutions (renamed the Global Alliance of National Human Rights Institutions in March 2016), which means that it is not fully in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). According to the Ombudsman, a working group has been established to discuss public accountability, including the accountability of utilities, in which he himself participates. The second strategy of the Ombudsman's office, for the period 2016-2020, includes economic, social and cultural rights, including the human rights to water and sanitation, as among its priorities. While all of these initiatives are commendable steps, there has been criticism of the Ombudsman's office for its lack of political will to deal with sensitive cases.

41. Together with strengthening the independence of the Ombudsman in terms of the transparent appointment, legal protection and financial stability, the strengthening of civil society is also key to a stronger accountability mechanism. The Special Rapporteur was informed of widespread self-censorship among civil society based on fear. Laws and policies that could potentially weaken civil society organizations, including newly adopted amendments to the Law on Public Associations, should be reviewed.

42. In addition, Tajikistan should make the human rights to water and sanitation enforceable at the national level. At the international level, the Special Rapporteur calls upon the Government to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which will allow people to bring individual cases regarding the human rights to water and sanitation to the attention of the Committee on Economic, Social and Cultural Rights.

V. Marginalized and excluded persons

43. As stated above, despite overall progress, disparities in access to water and sanitation between urban and rural areas, and between some population groups, are significant in Tajikistan. The present section will illustrate the situation of some of the populations who have particular difficulties in gaining access to water and sanitation and those who met with the Special Rapporteur during his mission.

A. People living in rural areas

44. In Tajikistan, the vast majority of the population (over 70 per cent) lives in rural areas, and the rural population has been increasing.[7] Yet, drinking water and sanitation issues in rural areas seem to be overshadowed by the Government's concentrated efforts on irrigation water. In the area with the least access, the Kurgan-Tyube zone of Khatlon oblast, only 25 per cent of the population has access to safe drinking water, and more than half of

[7] World Bank data on rural population (see http://data.worldbank.org/indicator/SP.RUR.TOTL).

the population uses water from open sources, which is epidemiologically unsafe.[27] The Department of Rural Water Supply (*Tajikobdehtud*) provides the rural population with drinking water and water for the irrigation of pastures. The water sector development strategy for the period 2007-2015 refers to the construction of local water supply systems in rural areas as one of its priorities. However, the strategy does not place particular focus on rural sanitation.

45. As mentioned above, the majority of the rural population is not connected to the centralized water supply, while an estimated 27 per cent use surface water directly from rivers, irrigation channels and canals and another 6 per cent use other unimproved water sources.[28] It is not surprising that most infectious waterborne diseases are found in rural areas.[29]

46. The lack of access to water puts a significant burden on women and children. According to a study, in Muminabad and Rudaki, women and girls under the age of 14 spend 4-6 hours daily fetching water.[30] Women in Tajikistan spend a lot of time cleaning houses and latrines for cultural reasons as well. The time that women and girls spend on domestic work significantly reduces the time that could otherwise be spent on working and studying.

47. Over 90 per cent of the rural population is estimated to use a pit latrine with slab. Those who manage pit latrines do so entirely by themselves. This high rate of pit latrine usage contributed to a very high coverage rate of sanitation in Tajikistan under the monitoring of the Millennium Development Goals, as it was considered an "improved" sanitation service. Under the new Sustainable Development Goals, safe management of sanitation will be required to meet the target on "adequate" sanitation. A pit latrine managed by individual households may not meet this target if excreta is not safely disposed of, which is usually the case, since the Government currently does not seem to provide any guidance on latrine construction and sludge management.

48. The Special Rapporteur observed that people in rural areas, who are often poorer, pay much more to secure water than those who are connected to the centralized system. The more remote from the district centre in which they live, the higher the prices that they are charged for sludge collection services. Some people told the Special Rapporteur that sludge collection used to be 100-150 TJS ($13-$19), but now it is 300-500 TJS ($38-$64), depending on the distance of the house from an urban centre. Depending on the size of the family, a pit latrine needs to be emptied either quarterly or annually. Even if individual households are managing water and sanitation in rural areas, the Government cannot abdicate its responsibilities in dealing with rural sanitation and water supply in order to ensure equal, affordable and safe access to water and sanitation.

B. Resettled people

49. As one of the pressing priorities for development, the Government is implementing the Rogun Dam and Hydropower Plant project to ensure a stable supply of electricity

[27] *UN-Water Global Analysis and Assessment of Sanitation and Drinking Water (2014) – Tajikistan country highlight*.

[28] Data as of 2015. See WHO and UNICEF Joint Monitoring Programme for Water Supply and Sanitation, estimates on the use of water sources and sanitation facilities. Available from www.wssinfo.org/documents/?tx_displaycontroller[type]=country_files.

[29] UNDP, *Country Sector Assessments UNDP GoE WaSH Programme*, vol. 2, chapter on Tajikistan.

[30] Lena Krylova and Nigora Safarova, "Gender Assessment SDC Rural Drinking Programme in Tajikistan" (Swiss Agency for Development and Cooperation, 2013), p. 6.

throughout the year and to lower the cost of electricity, as well as to export energy to neighbouring countries. This megaproject includes the relocation of 42,000 people (7,000 families). According to one study, between 2009 and early 2014, about 1,500 families were displaced from the reservoir area in Rogun and Nurabod districts to four locations.[10]

50. During the visit, the Special Rapporteur met with communities in Rudaki district and Khatlon oblast who had been displaced from Rogun and Nurabod districts because of the dam project. While the Government had started making efforts to provide water to the settlements in these resettlement sites, due to a lack of planning, people were still suffering from insufficient amounts of water for human consumption and for subsistence farming. In both these districts, water supply was limited to a few hours per day at the maximum. People raised concerns to the Special Rapporteur that they had been given much smaller plots of land and that they did not have enough water to grow vegetables in their yards, when previously, in their original villages, they had had enough water for vegetation and livestock. Regarding sanitation, resettled people had had to build toilets, as well as houses, by themselves. The Government had paid compensation based on an assessment of market value, and the compensation that the resettled people had received had not included labour costs. People had had to give up their work and devote their labours to constructing their houses and toilets. This inadequate compensation had had a greater effect on marginalized individuals such as female-headed households, people with disabilities and older persons because they could not build a house and thus needed to seek out manual labour. In the new settlement of Spitamen, people had no access to a water supply and were buying water from water trucks, which was insufficient, unsafe and unaffordable. Initially, the people had chosen this settlement because of the possibility of extracting groundwater. However, they had not been informed of the enormous costs required to pump water from the aquifer.

51. The current hardship of the resettlements was also an outcome of the lack or absence of participation of the communities in designing and carrying out the new settlements. People seem to have been provided with limited information and, therefore, their needs such as access to sufficient water for subsistence farming had not been reflected in the plan of the resettlements. As defined in the basic principles and guidelines on development-based evictions and displacement (developed by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living): "All potentially affected groups and persons, including women, indigenous peoples and persons with disabilities, as well as others working on behalf of the affected, have the right to relevant information, full consultation and participation throughout the entire process, and to propose alternatives that authorities should duly consider."[11]

52. In addition, the Government should carry out comprehensive impact assessments prior to the initiation of any project in order to fully protect the human rights of all populations that are to be affected by displacement. In the case of the Rogun Dam and Hydropower Plant project, upon the request of neighbouring countries, the World Bank financed two studies. Following the assessments, the World Bank also issued a paper which mentioned the economic impact of the resettlement, including the displacement of livelihoods, stating that: "Additional attention would need to be given to managing social impacts in order to move forward in a manner consistent with international good practice".[12] Neither of the assessments, however, applied the human rights framework,

[10] Human Rights Watch, "'We suffered when we came here': rights violations linked to resettlements for Tajikistan's Rogun Dam" (2014).

[11] Basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I), para. 38.

[12] World Bank, "Key issues for consideration on the proposed Rogun hydropower project", para. 40.

According to the information the Special Rapporteur has received, no human rights impact assessment has been done either by the Government or by donors.

C. Refugees, asylum seekers and stateless people

53. The Special Rapporteur was informed that there were approximately 2,000-4,000 refugees and asylum seekers in the country. In 2010, the Committee on the Rights of the Child recommended that the Government should "provide access to clean drinking water, adequate sanitation, food and shelter in all regions and communities of the country, including the refugee population" (see CRC/C/TJK/CO/2, para. 59 (c)). The Government's policy, however, does not allow refugees and asylum seekers to live in large cities, which means that they are excluded from access to the centralized water supply and sanitation services.

54. The Special Rapporteur was also informed that there were about 10,000 stateless persons and persons at risk of statelessness who were not entitled to social protection. After the dissolution of the Soviet Union in 1991, nearly 60 million people in Central Asia lost their citizenship.[71] Even though a law on the legal status of foreigners in Tajikistan accords foreign citizens and stateless persons a range of essential services, the provisions of the law apply only to permanent residents, who are formally recognized as "stateless" by the State. According to a study conducted by the UNHCR, undocumented stateless people are not entitled to essential services in Tajikistan.[72]

55. In its general comment No. 20, the Committee on Economic, Social and Cultural Rights states that the Covenant rights apply to everyone regardless of ground of nationality, including those with an undocumented status and non-nationals, such as "refugees, asylum-seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation" (see E/C.12/GC/20, para. 30). The Special Rapporteur urges the Government to revise its laws and policies in order to ensure equal access to essential services, including water and sanitation for refugees, asylum seekers and stateless persons.

VI. Conclusions and recommendations

56. **Tajikistan is known as a champion of water at the global level, taking the lead in the International Decade for Action, "Water for Life". Under the framework of the Millennium Development Goals, the country achieved high coverage of access to improved water and sanitation. The levels of service may not meet the new criteria under the Sustainable Development Goals, though, and most of the country's infrastructure, which was built during the Soviet period, is on the verge of collapse. The lack of water and sanitation in public institutions is a serious concern with regard to the human rights to water and sanitation, and has a direct negative impact on other rights, such as the rights to health, education, work and life. The Government should translate the commitment made at the global level into national legislation and policies, budgetary allocation and implementation, particularly to eliminate disparities in access to water and sanitation and to address the needs of the most vulnerable groups, including women and girls in rural areas, resettled people and refugees, asylum seekers and stateless persons. Seizing the opportunities in the current water sector reform process, the division of power and responsibilities among**

[71] United Nations High Commissioner for Refugees, "Statelessness in Central Asia" (May 2011).
[72] Ibid.

State authorities needs to be urgently clarified. It is particularly important that regulation be made independent and separate from the provision of water and sanitation. The revision of the Water Code of 2000 must place the human rights to water and sanitation at the core of legislation. A new comprehensive tariff system is also needed and must balance affordability of water and sanitation for all with the sustainability of those services. The application of increased rates will give industries, public institutions and households incentives to save water, and hence contribute to the sustainable management of water resources as well.

57. In rural areas, more than one third of the population still uses unimproved water sources, including surface water without treatment, and most of the people construct and manage pit latrines without support from the Government. Such poor water, sanitation and hygiene conditions in rural areas, in the absence of the management by the Government, are contributing to high rates of infant and under-5 mortality and childhood malnutrition caused by waterborne diseases. Tajikistan must not abdicate its responsibilities in dealing with rural water and sanitation issues. Rather, the Government should take the primary responsibility for ensuring safe water and sanitation management regardless of the administrative nature of the provider. The Government must also invest in sanitation and water services to guarantee affordable services for the poor and marginalized. By investing in sanitation and water, Tajikistan would make significant economic gains in the form of savings on health-care costs and related productivity losses.

58. The Government of Tajikistan should now become a champion of sanitation and water for its own people, taking advantage of the opportunities in the ongoing water sector reform.

59. In this regard, the Special Rapporteur recommends that the Government of Tajikistan:

(a) Revise the Water Code and place the principles and normative content of the human rights to water and sanitation at the centre of the law. The Water Code should have an explicit provision on the prioritization of water for personal and domestic use;

(b) Clearly define the division of power and responsibilities between the Ministry of Energy and Water Resources, the Housing and Communal Service, Vodokanal and local authorities under the water sector reform;

(c) Revise the national policy and strategy and prioritize rural water and sanitation;

(d) Develop guidance and review financial support regarding latrine construction and sludge management to ensure that toilets are hygienic to use and to maintain and that waste matter is safely contained, transported, treated and disposed of or recycled;

(e) Urgently strengthen the capacity of water quality monitoring and surveillance to ensure safe water;

(f) Review the tariff system comprehensively and increase the rate for those sectors which are capable of paying more, taking into consideration the sustainability of water and sanitation services and affordability for all;

(g) At the same time, adopt safeguard mechanisms to protect access to essential water and sanitation for those who live in poverty and those who have special needs, including health conditions;

(h) **Invest in rehabilitation and reconstruction of old infrastructure, as well as in the maintenance and operation of new and existing services, in order to avoid deterioration in the services currently provided. The Government should seek international assistance with clear plans;**

(i) **Improve access to water, sanitation and hygiene in public institutions, in particular schools and health facilities, as a matter of priority, and install menstrual hygiene management systems in all public institutions;**

(j) **Start a discussion without delay on the establishment of an independent regulator with competence to monitor the compliance of water and sanitation service providers with the normative content of the human rights to water and sanitation;**

(k) **Protect the right to information and strengthen the accountability mechanism, including through strengthening the power of the Ombudsman, as well as respecting the activities of civil society;**

(l) **Review laws and policies that could potentially weaken civil society organizations, including newly adopted amendments to the Law on Public Associations, and provide a wider space for civil society to openly discuss policies and people's needs relating to access to water, sanitation and hygiene, with capacity for actual influence in decision-making processes;**

(m) **Provide adequate reparation to the displaced population whose human rights, including the rights to water and sanitation, have been violated, and carry out human rights impact assessments for any development projects in order to guarantee non-repetition;**

(n) **Revisit the policies on refugees and asylum seekers, as well as on nationality and statelessness, with a view to providing equal access to essential services, including water and sanitation, for everyone in the country without discrimination;**

(o) **Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and guarantee the human rights to water and sanitation as justifiable rights in national legislation;**

(p) **Accelerate its preparation for signing and ratifying the Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes.**

90. **The Special Rapporteur recommends that the international community:**

(a) **Strengthen and enhance coordination of the provision of financial and technical support to Tajikistan, in particular with regard to improving rural water and sanitation and rehabilitating ageing infrastructure;**

(b) **Assist the Government in implementing development projects, including hydropower projects, with full respect for and protection of the human rights of the affected population.**